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January 23, 2007

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Facsimile Transmission

Seed Intellectual Property Law Group PLLC

To: Director of the U.S. Patent and Trademark Office
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Fax No.: 571/ 273 8300

Phone No.: 571/ 272 0858

Re: U.S. Application No. 10/650,123
filed August 28, 2003

Seed IP Ref.: 484112.432

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Comments:

Petition Under 37 C.F.R. § 1.181 attached.

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I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office at 571-273-8300 on the date shown below.

Date January 23, 2007Linda M. West
Linda Murphy West

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Denis Martin et al.
Application No. : 10/650,123
Filed : August 28, 2003
For : PHARMACEUTICAL COMPOSITIONS

Examiner : Jennifer E. Graser
Art Unit : 1645
Docket No. : 484112.432
Date : January 23, 2007

Fax to 571-273-8300

Office of Petitions
Director of the U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. § 1.181

Director of the U.S. Patent and Trademark Office:

REQUEST

Applicants respectfully request withdrawal of the holding of abandonment of U.S. Patent Application No. 10/650,123, filed August 28, 2003, because the application is in fact not abandoned.

FACTS PERTINENT TO REQUEST

The U.S. Patent and Trademark Office (PTO) issued a Notice of Abandonment on September 19, 2006 for above-identified application. The Notice states that the present application stands abandoned "for failure to timely file a proper reply to the Office letter mailed on 10 September 2003." Applicants assume that listing the

U.S. Application No. 10/650,123

mailing date of September 10, 2003 of an Office letter was an inadvertent typographical error because according to Applicants' records and the file history in PAIR, the PTO database (*see* Image File Wrapper), no Office Action issued on that date. In fact, the PTO issued an Office Action on March 10, 2006, for which the statutory period for reply was set to expire on September 10, 2006.

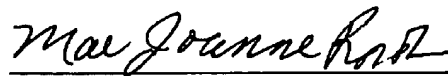
Further in fact, a Reply and Amendment under 37 C.F.R. §§ 1.111 and 1.121 in response to the Office Action dated March 10, 2006 was timely filed on September 11, 2006 (September 10, 2006 was a Sunday) with a Petition for an Extension of Time for three months and the requisite fee. The Reply and Amendment, Petition for an Extension of Time, Fee Transmittal, and Fee were received by the PTO and dated September 11, 2006, as indicated by PAIR and by the return receipt postcard, a copy of which is appended to this Petition. However, receipt of the Reply and Amendment by the PTO was not made known to Examiner Graser until after the Notice of Abandonment had been issued.

Applicants therefore respectfully request that the Notice of Abandonment be withdrawn so that prosecution of the present application may continue.

Applicants believe that a fee is not required for consideration of this Petition; however, the Director is authorized to charge any fee due by way of this Petition to our Deposit Account No. 19-1090.

Respectfully submitted,

SEED Intellectual Property Law Group PLLC



Mae Joanne Rosok
Registration No. 48,903

Enclosure: Copy of Return Receipt Postcard (dated September 11, 2006)

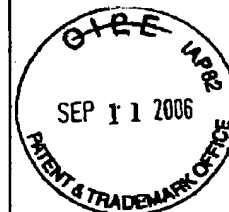
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SENT: September 11, 2006

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Check; Transmittal Form; Fee Transmittal (+ copy); Petition for Extension of Time; Reply and Amendment Under 37 CFR 1.111 and 1.121; IDS Transmittal; IDS; Cited References (2); in re: Denis Martin et al., USAN 10/650,123, filed August 28, 2003, for PHARMACEUTICAL COMPOSITIONS.

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